

**Iowa Department of Natural Resources
Natural Resource Commission**

ITEM

20

DECISION

TOPIC

Final Rule--Chapter 116, HUSH

NRC approval is requested to adopt Chapter 116 that establishes procedures for the Help Us Stop Hunger (HUSH) deer donation program, unchanged from the Notice of Intended Action.

All of the partners in HUSH, internal and external, have reviewed and approved the rule. No comments were received in opposition.

Ken Herring, Administrator
Conservation and Recreation Division

Attachment: Chapter 116, HUSH Rule – Adopted and Final

August 9, 2007

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby adopts new Chapter 116, "Help Us Stop Hunger Program Administration," Iowa Administrative Code.

This proposed new Chapter 116 establishes the operations for the Help Us Stop Hunger (HUSH) deer donation program that encourages deer harvest by hunters and the donation of deer into a system that provides free venison to Iowa's needy.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 9, 2007, as ARC 5872B. Several comments were received during the comment period and at the public hearing held May 29, 2007. Six emails from lockers and hunters were supportive of the rules, none were opposed, although one suggested the need for more lockers and another suggested adding \$1 to every vehicle registration could raise more money. The president of the Iowa Meat Processor's Association attended the hearing and requested no changes in the proposed rule but asked the HUSH coordinator to make a presentation to his association next winter. No changes have been made to the Notice of Intended Action

These amendments are intended to implement Iowa Code sections in 571--116.6(483A).

The following new chapter is adopted.

CHAPTER 116

HELP US STOP HUNGER - PROGRAM ADMINISTRATION

571—116.1(483A) Purpose. This chapter establishes the procedures for the administration of the help us stop hunger (HUSH) deer donation program. HUSH is established pursuant to Iowa Code section 483A.8(1) to encourage hunters, during periods of excessive deer populations, to harvest more deer than needed for personal consumption and to donate those deer to a program to feed Iowans in need.

571—116.2(483A) Definitions.

"Deer" means any wild deer legally taken in Iowa and deer confiscated as legal evidence if the confiscated carcass is considered by a conservation officer to be in good condition for donation.

"Department" means the department of natural resources.

"Distributor" means the Food Bank of Iowa or, in the event the Food Bank of Iowa discontinues participation in HUSH, such other venison distribution service provider as shall be designated by future contract with the department.

"Field dressed" means that the deer has been properly bled and cleaned of its internal organs.

"Food Bank of Iowa" means the private, nonprofit charitable organization incorporated under that name, whose mission is to alleviate hunger and reduce food waste in Iowa.

"HUSH" means the help us stop hunger program.

"HUSH coordinator" means an employee of the department who administers the deer donation program.

"Meat processor" means any business that is licensed by the department of agriculture and land stewardship's bureau of meat and poultry inspection, the USDA, or a neighboring state's department that is similar to Iowa's, to process meat for retail customers.

571—116.3(483A) Restrictions. Deer is the only species of wildlife that shall be covered by the HUSH program. The entire deer carcass must be donated, but the hunter may keep the antlers, head and cape.

571—116.4(483A) HUSH council. There is hereby created a HUSH council. Members shall serve without additional compensation.

116.4(1) Membership. The HUSH council shall include the following voting members:

- a. The HUSH coordinator, who shall serve as the chairperson;
- b. An additional department representative designated by the department's wildlife bureau chief;
- c. A representative of the Food Bank of Iowa appointed by its executive director;
- d. The chief of the department of agriculture and land stewardship's bureau of meat and poultry inspection or a designee of the chief.

116.4(2) Duties.

- a. To set a fair market price, the council shall consider prices for similar services paid by retail customers in Iowa and nearby states and shall recommend to the department an annual per-deer processing payment to be made to meat processors.
- b. The council shall recommend to the department an annual per-deer administrative payment to be made to the Food Bank of Iowa. The Food Bank of Iowa shall provide information to assist in this determination but shall not participate in any vote of the council regarding the recommendation of the annual per-deer administrative payment to the Food Bank of Iowa.
- c. The council shall make recommendations to the department to resolve conflicts or disputes in the operation of the HUSH program as brought to it by any person or entity.
- d. The council shall adopt standards for participating lockers to meet in terms of their record of violations of rules of the bureau of meat and poultry inspection and the department of natural resources.
- e. The council shall advise the department in the administration of HUSH.

116.4(3) Administration. The HUSH coordinator shall convene the council as needed to conduct business. A majority vote shall be required for action or decision by the council. The chief of the department's wildlife bureau shall have the right to overrule the council for cause and shall provide the council with justification for the reasons. A quorum to conduct business shall consist of three council members, one of whom shall be the HUSH coordinator.

571—116.5(483A) Duties of the department. During periods of excessive deer populations, the department shall promote the harvest of deer by hunters and the donation of deer at meat processors participating in HUSH. During periods of nonexcessive deer populations, HUSH may continue with less emphasis on promotion to hunters.

116.5(1) Meat processors. The department shall enlist as many meat processors as available to participate in HUSH and shall enter into uniform agreements with meat processors. The department shall provide forms for donations of deer by hunters, posters for meat processors to advertise their participation, venison pickup receipts and invoices, and two-pound freezer bags for use by meat processors that are HUSH participants. The department shall provide informational and promotional materials to meat processors regarding HUSH.

116.5(2) Venison distributor. The department shall enter into an annual agreement with the Food Bank of Iowa or, in the event the Food Bank of Iowa discontinues participation in HUSH, other service providers designated by future contract to carry out the duties described in 571—116.6(483A). The department shall pay the distributor a per-deer rate of payment for administrative services provided. The department shall make such payments to the distributor as described in the annual agreement for the purpose of making payments to participating meat processors.

571—116.6(483A) Duties of venison distributor. In order to continue participation in HUSH, the distributor shall enter into an annual agreement with the department for venison pickup from meat processors and distribution throughout Iowa, and for the administration of financial accounts with meat processors. The distributor shall make reports to the department. The distributor shall be compensated by the department at a rate per deer as determined annually by the department, with recommendations from the HUSH council taken into consideration.

116.6(1) Venison pickup and distribution. The distributor shall cause timely pickup of venison from meat processors and distribution of the venison to the distributor's member social service agencies.

116.6(2) Payments to meat processors. The distributor shall make payments to meat processors at the rate set by the department. Prior to receiving payment, a meat processor shall be required to provide the following: a record of each donated deer that includes information required by the department, an invoice from the meat processor, a copy of a completed donor form, and a supporting record of the venison pickup. Provided funding is available from the department, payments shall be made to meat processors within 30 days of submittal of a complete and accurate record.

116.6(3) Reports to the department. The distributor shall keep accurate records of the amount of venison picked up from meat processors and distributed to qualified agencies, including copies of receipts and invoices from venison pickups, and by April 1 of each year shall provide the department a report of each donated deer for which payment was made to a meat processor.

116.6(4) Reimbursement to the department. If any funding provided by the DNR is unused for venison processing or administrative costs, all unused funds shall be refunded to the department by May 1 of each year.

571—116.7(483A) Meat processors.

116.7(1) Eligibility. To participate in the HUSH program, each meat processor shall enter into a uniform annual agreement with the department which details the meat processor's participation. The agreement shall be signed by the meat processor and the department by August 1 prior to the coming deer season. Exceptions to this date may be considered by the HUSH council, which will then make recommendations to the department.

116.7(2) Requirements. Meat processors shall accept the entire field-dressed carcass of a donated deer, pursuant to 571—116.3(483A), and shall not assess any fees or costs to donors. Information from the donor is required for each donated deer and shall be submitted on forms provided by the department. Payment shall not be made to a meat processor without this information.

116.7(3) Venison. Meat processors shall accept a donated deer, pursuant to 571—116.3(483A), if the meat processor determines the venison is in acceptable condition. Deer shall be processed into pure ground venison with no additives, put into bags provided by the department, and frozen prior to being received by a representative of the Food Bank of Iowa or another designated distributor. Venison pickup shall be initiated by the meat processor by contacting the meat processor's designated pickup person.

116.7(4) Venison pickup. At the time of venison pickup, the meat processor shall provide accurate information and an official signature on a form provided by the department. The meat processor shall retain one copy of the form for billing purposes and one copy for the meat processor's business records.

116.7(5) Billing the distributor. To receive payment for venison processing, the meat processor shall submit to the distributor a copy of the venison pickup and invoice form, the

department form that provides information on each donated deer, and any additional information that is required by the department on the form provided.

571—116.8(483A) Partnerships with other organizations. The department, at its own discretion, may enter into agreements with other organizations for the purpose of expanding the deer donation program. The department may include the offer of matching grants to pay for deer processing to organizations that acquire funding from sources other than the state of Iowa.

These rules are intended to implement **Iowa Code chapter 483A.**

Date

Richard A. Leopold, Director